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Questions for Sheldon Hackney

The National Endowment for the Humanities (NEH) has enjoyed relatively smooth sailing in recent years. Will that state of affairs continue? That will depend on the Clinton administration's recently announced nominee for chairman of the endowment: Sheldon Hackney, president of the University of Pennsylvania. Mr. Hackney clearly had many personal qualifications for the post, not the least of which is that his wife sat on the board of the Children's Defense Fund with Hillary Rodham Clinton. Mr. Hackney was also among the university presidents who in October endorsed Bill Clinton for president, and he and his wife donated money to the Clinton campaign. Beyond being an FOH and an FOB, what kind of chairman might Mr. Hackney be for the NEH, whose job it is to administer grants for scholarly and educational projects?

Those who have followed Mr. Hackney's career give him high marks for personal and academic integrity. Yet there are questions about Mr. Hackney's record as a university administrator that need to be addressed in his Senate confirmation hearings. Says Stephen Balch, executive director of the National Association of Scholars, "I have no questions about Hackney's personal commitment to intellectual freedom, but, as at many other campuses, during his tenure a climate and a bureaucratic apparatus has evolved which is not nearly as hospitable to free expression as is Dr. Hackney himself. I think it can be fairly said that as the Chief Executive Officer, he does bear some responsibility for that." As the head of the NEH, Mr. Hackney will occupy a central position in this debate.

The most notable instrument of this bureaucratic apparatus is Pennsylvania University's Draconian racial and sexual harassment policies. In fact, they are far more restrictive than the Helms amendment to the National Endowment for the Arts, which Mr. Hackney so eloquently denounced. "Some people or groups will be offended from time to time," he wrote of the Helms amendment. "The base of excellence and a vibrant artistic scene is the risk of occasional offense of someone's sense of what is appropriate. Yet the best protec-

tion we have found for a democracy is an unregulated market in expression."

Compare for a moment this sentiment with the wording of the university's racial harassment policy. It prohibits student faculty and staff from engaging in "any behavior verbal or physical that stigmatizes or victimizes individuals on the basis of race, ethnic or national origin." The policy explicitly prohibits any behavior that creates "an intimidating or offensive academic living or work environment. The prohibitions apply to all university related activities, both on and off campus." Penalties include suspension and expulsion for students, dismissal for faculty.

A case that will go on trial at the university today suggests the kind of abuse that such an all-embracing and vaguely worded policy invites. It involves a freshman, one Eden Jacobowitz, who last January yelled out in frustration against a group of noisy revelers outside his dormitory room in the middle of the night. "Shut up, you water buffalo. If you're looking for a party, there's a zoo a mile from here." As he was addressing a group of black female students, Mr. Jacobowitz soon received a letter charging him with racial harassment. If convicted, he could be expelled. Clearly, "water buffalo" is no term of endearment, but is yelling it a crime of that magnitude?

And there is the indication that Mr. Hackney is willing to observe a double standard when the alternative is to face up to the enforcers of political correctness. While he has defended campus speakers like Andres Serrano, of "Piss Christ" fame, and Nation of Islam leader Louis Farrakhan against protests by Catholic and Jewish students, Mr. Hackney's approach was different when, two weeks ago, a group of black students confiscated every single issue (all 14,000 of them) of the campus newspaper the Daily Pennsylvanian because they objected to a column against affirmative action. Here Mr. Hackney saw fit to pronounce that the importance of free expression had to be balanced against the importance of affirmative action.

Will that apply to the National Endowment for the Humanities as well? One would like to know.